



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
NOTIFICATION OF LAKE OR STREAMBED ALTERATION



Notification Process and Instructions

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PART I: NOTIFICATION REQUIREMENT

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify the Department of Fish and Game ("Department") before beginning any activity that will do one or more of the following:

- 1) substantially obstruct or divert the natural flow of a river, stream, or lake;
- 2) substantially change the bed, channel, or bank of a river, stream, or lake;
- 3) use any material from the bed, channel, or bank of a river, stream, or lake; and/or
- 4) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

Fish and Game Code section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state. ***If you are not certain that a particular project requires notification, the Department recommends that you notify.***

Note: *Although a person other than the applicant may complete the notification, "you" or "your" as used in this document refers to the applicant proposing the project because the applicant will be responsible for submitting and signing the notification.*

NOTIFYING THE DEPARTMENT

To notify the Department of any of the activities described above, complete the following steps:

Step 1: Complete the Notification of Lake or Streambed Alteration form (Form FG 2023 (Rev. 7/06)) ("notification form"). See Part II for instructions to complete this form.

Note: *If the project is part of a timber harvest plan ("THP"), you may notify the Department by submitting the THP and correct fee to the Department regional office that serves the county where the project will take place. In that case, you do not need to submit a notification form, provided the THP includes, at a minimum, the information listed in Fish and Game Code section 1611.*

Step 2: Determine the notification fee that will need to be submitted with the completed notification form or THP by referring to the enclosed fee schedule. Notification fees cover the Department's costs to process notifications and prepare Lake and Streambed Alteration Agreements ("agreement").

Step 3: Submit the completed notification form, or the THP, with all required enclosures and fees to the Department regional office that serves the county where the project will occur.

Note: *If the notification relates to timber harvesting activities in Humboldt or Del Norte County or the west portion of Trinity County, the notification must be submitted to the Department's Northern California and North Coast office in Eureka, rather than Redding. If you are not sure whether the Eureka or Redding office will review your notification or THP, contact either office for guidance to avoid any delay in processing your notification or THP.*

**Northern California and North Coast
(Region 1 – Redding)**

LSAA Program

601 Locust Street
Redding, CA 96001
(530) 225-2300

**San Joaquin Valley and Southern Sierra
(Region 4)**

LSAA Program

1234 East Shaw Avenue
Fresno, CA 93710
(559) 243-4005

**Northern California and North Coast
(Region 1 – Eureka)**

LSAA Program

619 Second Street
Eureka, CA 95501
(707) 445-6493

**South Coast
(Region 5)**

LSAA Program

4949 Viewridge Ave
San Diego, CA 92123
(858) 636-3160

**Sacramento Valley and Central Sierra
(Region 2)**

LSAA Program

1701 Nimbus Road
Rancho Cordova, CA 95670
(916) 358-2900

**Eastern Sierra and Inland Deserts
(Region 6)**

LSAA Program

4665 Lampson Avenue, Suite J
Los Alamitos, CA 90720
(562) 430-7212

**Central Coast
(Region 3)**

LSAA Program

Mailing address:

Post Office Box 47
Yountville, CA 94599

Street address:

7329 Silverado Trail
Napa, CA 94558
(707) 944-5520

PART II: INSTRUCTIONS FOR COMPLETING NOTIFICATION FORM (FG2023)

In order to notify the Department of an activity described in Part I, above, you will need to complete and submit the Notification of Lake or Streambed Alteration form (Form FG 2023 (Rev. 7/06)) ("notification form") to the appropriate Department regional office with all required enclosures and the correct notification fee.

For the notification form to be deemed complete, you **must**:

- 1) complete **all** fields in the form, unless otherwise indicated;
- 2) provide as much detail as possible so the Department can properly evaluate the project to determine whether an agreement is required;
- 3) submit all required enclosures with the notification;
- 4) provide information in the notification that is true and correct;
- 5) properly sign the notification; and
- 6) submit the notification form and required enclosures with the correct notification fee to the Department regional office that serves the county where the project will take place.

If during its review of the notification the Department determines that a biological or hydrological study (see the instructions below for boxes 11.E and 11.F) will be required in addition to the notification form and enclosures it receives, the Department will notify you that the study will need to be provided to make the notification complete.

The Department will not begin processing the notification until it determines that the notification is complete.

Instructions to complete the notification form are outlined below. "Project" means that part of the project subject to Fish and Game Code section 1602, unless otherwise specified.

1. APPLICANT PROPOSING PROJECT

Provide the name, mailing address, telephone and fax numbers, and e-mail address of the person or business, state or local governmental agency, or public utility proposing the project. The applicant will be responsible for signing the notification and any agreement and for complying with the terms and conditions of any agreement.

If the applicant is a business, agency, or utility, provide the name of the applicant's representative above the name of the applicant. For the purpose of the notification form, the applicant's representative **must** be an employee of the applicant.

2. CONTACT PERSON

Provide the name, mailing address, telephone and fax numbers, and e-mail address of the person the Department should contact regarding the project, if different from the applicant or applicant's representative.

3. PROPERTY OWNER

Provide the name, mailing address, telephone and fax numbers, and e-mail address of the owner of the property where the project will take place, if different from the applicant.

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name

Provide the project name. If the project does not have a formal name or title, use a name that best describes the project. For example, if the project is the installation of a culvert on private property, you might name the project, "Culvert on Smith property." If the project has already been assigned a name for other permitting or environmental review purposes, use the same name.

B. Agreement Term Requested

An agreement may be either a regular agreement or long-term agreement. A regular agreement is one with a term of five years or less. A long-term agreement is an agreement with a term greater than five years.

Whether "Regular" or "Long-term" is checked, the Department has the discretion to determine the term of the agreement. Hence, if "Regular" is checked, the Department may decide a term of between one and five years. If "Long-term" is checked, the Department may decide either not to grant your request for a long-term agreement, but instead issue a regular agreement, or grant your request and decide some term greater than five years. If "Long-term" is checked and the Department decides not to grant your request for a long-term agreement, the Department will contact you, and thereafter process the notification as one for a regular agreement upon your written request.

If "Regular" is checked, the Department will process the notification and issue a draft agreement with a term no longer than five years in accordance with the time periods specified in Fish and Game Code sections 1602 and 1603. Specifically, the Department will determine whether the notification is complete within 30 days of receiving the notification form and correct notification fee, and issue you a draft agreement within 60 days of receiving a complete notification.

If "Long-term" is checked, the 30- and 60-day time periods described above will not apply (see Fish and Game Code section 1605(g)(5)). Hence, the Department may take longer than 30 days to determine if the notification is complete and longer than 60 days to issue a draft agreement after it receives a complete notification.

C. Project Term

Specify both the year the project will begin and the year the project will end.

Note: If "Regular" is checked in box B, the term in box C (e.g., 2005 to 2007) may not exceed five years. If "Regular" is checked in box B and the term in box C is greater than five years, the Department may consider the notification to be incomplete and suspend processing the notification.

Please be aware that the Department must often use the full 90 days it has available for notification review and agreement preparation, and may restrict work within a stream or lake to the dry season of the year. Consequently, you may want to include more than one season of possible operation in your project proposal.

D. Seasonal Work Period

Specify the time period (month and day) you intend to work on the project (e.g., August 1 to October 15). If the work period will not be the same each year, specify the time period for each year of the project (e.g., 2007: August 1 to October 15. 2008: June 1 to September 15. 2009: March 1 to July 15). The Department may restrict project work to certain periods depending on rainfall, fish migration, wildlife breeding, or other resource concerns.

E. Number of Work Days

Specify the estimated number of days of actual work that will be needed to complete the project.

5. AGREEMENT TYPE

Identify the type of agreement requested in the notification by checking the applicable box. Complete Attachment A, B, C, or D, if applicable.

A. Standard

Check this box for most construction projects, excluding: gravel, sand, or rock extraction; timber harvesting; water diversion, extraction, or impoundment; routine maintenance; restoration through Department's Fisheries Restoration Grant Program; or a Master Agreement as defined below.

B. Gravel/Sand/ Rock Extraction

Check this box **and** complete Attachment A if the project is for the commercial or non-commercial mining or extraction of gravel, sand, rock, or other aggregate material. Provide the mine identification number if the mining or excavation is *not* exempt from the Surface Mining and Reclamation Act (see Public Resources Code section 2714).

C. Timber Harvesting

Check this box **and** complete Attachment B if the project is part of a timber harvesting plan ("THP"), including a modified or program THP, or non-industrial timber management plan ("NTMP"). Provide the number assigned to the THP or NTMP.

D. Water Diversion/ Extraction/Impoundment

Check this box **and** complete Attachment C if the project is directly related to any diversion, obstruction, extraction, or impoundment of the natural flow of a river, stream, or lake. Provide the number assigned to the State Water Resources Control Board application, permit, license, registration, or other authorization to divert, extract, or impound water, if applicable.

If the diversion, obstruction, extraction, or impoundment of water is only **incidental** to the project described in the notification (e.g., temporarily dewatering a stream segment to install a culvert or bridge or drafting water as part of a timber harvesting operation) do not check this box or complete attachment.

E. Routine Maintenance

Check this box **and** complete Attachment D if the **primary** objective of the project is to maintain on a routine basis a number of existing private or public facilities, such as canals, channels, culverts, and ditches.

If the project is a one-time maintenance project, do not check this box or complete the attachment.

F. DFG Fisheries Restoration Grant Program

Check this box if the project is funded by the Department's Fisheries Restoration Grant Program **and** provide the contract number.

G. Master

Check this box for an agreement with a term of greater than five years that:

- 1) covers multiple projects that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement; and
- 2) describes a procedure the entity must follow for construction, maintenance, or other projects the agreement covers.

An example of a project for which the Department would issue a master agreement is a large-scale development proposal comprised of multiple projects for which specific, detailed design plans have not been prepared at the time of the original notification.

H. Master Timber Harvesting

Check this box for an agreement with a term of greater than five years that:

- 1) covers timber operations on timberland that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement; and
- 2) describes a procedure the entity must follow for construction, maintenance, or other projects the agreement covers.

6. FEES

A. Project

Specify the proposed project(s) for the purpose of calculating fees. "Project" means either of the following as determined by the Department:

- 1) One activity. An example of such a project is one that is limited to the removal of riparian vegetation at one location along the bank of a river, lake, or stream that will substantially change the bank.
- 2) Two or more activities that are interrelated and could or will affect similar fish and wildlife resources. An example of such a project is the construction of one bridge across a stream that requires the removal of riparian vegetation, the installation of abutments in or near the stream, and the temporary de-watering of the stream using a diversion structure. Each of those three activities together would constitute one project for the purpose of calculating the fee under this section because they are all related to the single purpose of constructing one bridge at one location.

By contrast, the construction of three bridges and two culverts across a stream at five different locations would not constitute one project, but instead would constitute five projects, even if each structure were to provide access to a common development site and/or were physically connected to each other by a road.

Note: *The Department may require the entity to separately notify of one or more projects based on type, location, and fish and wildlife resource issues.*

B. Project Cost

If the project is **not** for gravel, sand, or rock extraction; timber harvesting; or routine maintenance, provide the estimated cost to complete the project over the proposed term of the agreement. If the project is for gravel, sand, or rock extraction; timber harvesting; or routine maintenance, write “not applicable” in this box and refer to the enclosed fee schedule to determine the notification fee.

Note: For purposes of calculating the notification fee, “project” refers only to the activity that is subject to the notification requirement in Fish and Game Code section 1602 (described in Part I, above) and not the entire project. For example, if the project described in the notification is the construction of a bridge across a stream (that requires notification) and the bridge construction is part of a housing development (that except for the bridge construction does not require notification), only the cost of the bridge would be used to calculate the notification fee.

C. Project Fee

After determining the estimated project cost, refer to the fee schedule to determine the notification fee. The Department may require you to submit information that evidences the cost of the project.

Note: If the notification includes more than one project, the fee shall be calculated by adding the separate fees for each project. For example, if a notification identifies three projects, one of which will cost less than \$5,000, one which will cost \$7,500, and one of which will cost \$17,500, the fees for these projects would be \$200, \$250, and \$500 respectively. The total fee would be \$950.

D. Base Fee

If this notification is for a Standard Agreement, or an Agreement for Gravel, Sand or Rock Extraction, with a term of less than five years, skip to box 6.E. If this notification is for any other type of agreement, enter the corresponding “base fee” as identified in the fee schedule.

E. Total Fee Enclosed

Provide the amount of the total fee enclosed with the notification form. Checks must be made payable to the Department of Fish and Game.

Note: The Department may not process the notification until it receives the correct notification fee.

Example 1: Standard Agreement – Regular Term (5 years or less)

A. Project		B. Project Cost	D. Project Fee
1	Boat Ramp	\$4,500	\$200
2			
		E. Base Fee (if applicable)	N/A
		F. TOTAL FEE ENCLOSED	\$200

Example 2: Agreement for Gravel Extraction - Regular Term (5 years or less)

A. Project		B. Project Cost	D. Project Fee
1	Gravel Extraction (500 cubic yards)	N/A	\$1,000
2			
		E. Base Fee (if applicable)	N/A
		F. TOTAL FEE ENCLOSED	\$1,000

Example 3: Agreements for Timber Harvesting

A. Project		B. Project Cost	D. Project Fee
1	Culvert #1	N/A	\$100
2	Culvert #2	N/A	\$100
		E. Base Fee (if applicable)	\$1,200
		F. TOTAL FEE ENCLOSED	\$1,400

7. PRIOR NOTIFICATION AND ORDERS

A. Previous Notification and/or Agreement

Check the applicable box. If “yes” is checked, provide your name; the number assigned to the notification; and either the date the notification was submitted or the date the Department signed the final agreement, if a final agreement was issued.

B. Notification Related to Order by Court or Agency

In some instances, a court or administrative agency (e.g., the Department or a Regional Water Quality Control Board) might require you to perform work that is subject to the notification requirement in Fish and Game Code section 1602 to comply with an order, notice, or other directive (“order”) issued by the court or agency. If the notification is being submitted in response to such an order, check “yes” and provide a copy of the order. If that is not the case, check “no.”

Note: *If the notification is being submitted in response to an order and the Department determines that an agreement is required to perform the work described in the notification to protect fish, wildlife, and plant resources, the measures the Department includes in a draft agreement to protect such resources will **not** be subject to arbitration. Instead, you must accept the measures unless the Department agrees to modify them (See Fish and Game Code section 1614).*

8. PROJECT LOCATION

A. Address

Provide the street address where the project will take place (describe the location if there is no street address) and driving directions from the nearest major road or highway, known landmarks, access roads, and any other information that would allow a person not familiar with the area to find the project site. Enclose a map that marks the location of the project and denotes a north arrow and map scale.

B. River, Stream, or Lake

Provide the name of the river, stream, or lake in which or near where the project will take place. If the watercourse or waterbody is not named, please write "unnamed tributary" in the box.

C. Tributary

Provide the name of the watercourse or water body to which the river, stream, or lake specified in box 8.B is tributary.

D. Wild and Scenic Rivers

Check the appropriate box to specify whether or not the river or stream segment where the project is located is listed as a state or federal Wild and Scenic River. Refer to Public Resources Code section 5093.5 *et seq.* and section 1271 *et seq.* in title 16 of the United States Code.

Note: *If the project is located within a segment of a river or stream that is listed in the state or federal Wild and Scenic River Acts, the Department cannot approve the project unless it is consistent with the act(s).*

E. County

Provide the name of the county where the project will take place.

F. USGS 7.5 Minute Quad Map Name

Provide the name of the USGS 7.5 minute quadrangle map(s) that includes the property where the project will take place.

G - J. Township, Range, Section, ¼ Section

Provide the township, range, section, and ¼ section numbers of the property where the project will take place. Many county and city websites provide township, range, section, and ¼ section numbers.

K. Meridian

Provide the meridian of the property where the project will take place, if available.

L. Assessor's Parcel Number

Provide the Assessor's Parcel Number of the property where the project will take place. Among other documents, Assessor's Parcel Numbers are found on deeds and tax records.

M. Coordinates

If available, provide either the latitude and longitude or the UTM coordinates of the property where the project will take place **and** specify the datum used.

9. PROJECT CATEGORY AND WORK TYPE

Identify the project category and work type described in the notification by checking the applicable box(es). If "Other" is checked, briefly describe the type of project.

10. PROJECT DESCRIPTION

A. Describe the Project

See the instructions on the notification form.

B. Equipment

List all equipment and machinery that will be used to complete the project. If lubricants, solvents, chemicals, or other materials not normally found on construction sites will be present in the project area, list those materials in addition to the equipment and machinery that will be used to complete the project.

C. Water Presence

Check the applicable box. If “yes” is checked, complete box 10.D. If “no” is checked, skip to box 11.

D. Work in Wetted Channel

Check the applicable box. If “yes” is checked, a plan to divert water around (i.e., to dewater) the project site **must** be enclosed with the notification and should specify the method of diversion or drafting and the volume, rate, and timing of water diversion or drafting.

11. PROJECT IMPACTS

A. Modifications to River, Stream or Lake

Describe the effects to natural flow, bed, channel and bank of the river, stream, or lake. Quantify the effects and impacts in the project vicinity by noting the type, volume, and dimensions of material displaced through grading, trenching or other forms of site alteration.

Also include any impacts to the riparian zone on or adjacent to the channel floodplain. The riparian zone is the area that surrounds a channel or lake and supports (or can support) riparian vegetation that is dependent on surface or subsurface water. Include the effects of your project to this zone at least to the outer (landward) edge of the drip line of the riparian vegetation.

B. Vegetation

Check the applicable box. If “yes” is checked, complete the following tables by specifying the type of vegetation (i.e., trees such as oak, willow, or sycamore, and plant communities, such as salt marsh, freshwater marsh, wet meadow, willow thicket, riparian woodland, willow riparian woodland, desert wash woodland, riparian forest, oak riparian forest, redwood forest, riparian scrub, desert wash scrub, alkali sink scrub, oasis, vernal pool, bog, non-native, or ornamental) that will be affected temporarily and permanently, and the amount of vegetation that will be affected temporarily and permanently both in linear feet and total acres.

If trees **greater than 2 inches in diameter at breast height (4.5 ft)** will be removed as part of the project, specify the species of trees to be removed and (if available) the estimated number of trees of that species that will be removed and the range of trunk diameters measured at breast height. Trees can be grouped into size classes, for example, four oak trees approximately 10 to 20 inches in diameter. Attach a tree survey, if available.

C. Special Status Species

Special status species are endangered, rare, or threatened animal or plant species as defined in section 15380 of the California Environmental Quality Act ("CEQA") Guidelines (California Code of Regulations, title 14, section 15380).

Check the applicable box. If "yes" is checked, list each species and/or describe the habitat that will be affected.

If a species listed in this box is protected under the California or federal Endangered Species Act, you may be required to obtain take authorization from the Department and/or the U.S. Fish and Wildlife Service ("USFWS") or National Marine Fisheries Service ("NMFS"). Contact the Department, USFWS, or NMFS for information on take authorization.

D. Source

Identify the sources of information that were used to conclude that special status animal or plant species or habitat that may support such species are, or are not, present on or near the project site.

E. Biological Study

Check the applicable box. If "yes" is checked, the biological study or survey **must** be enclosed with the notification. ***If "no" is checked or the biological study enclosed with the notification is inadequate, the Department may require you to complete a biological study to evaluate the project's potential impact on biological resources before accepting the notification as complete.***

F. Hydrological Study

Check the applicable box. If "yes" is checked, the hydrological study or survey **must** be enclosed with the notification. ***If "no" is checked or the hydrological study enclosed with the notification is inadequate, the Department may require you to complete a hydrological study or provide other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) to evaluate the project's potential impacts on hydrology before accepting the notification as complete.***

12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

A. Erosion Control

Describe the methods or techniques that will be used to prevent sediment from entering any watercourses during and after construction. If no erosion control methods or techniques will be used, indicate "not applicable" and explain the reason they will not be used.

B. Impact Avoidance/Minimization Measures

Describe all measures that will be incorporated into the project to avoid or minimize impacts to fish, wildlife, and plant resources, other than erosion control methods or techniques. If no such measures have been identified for the project, indicate "not applicable" and explain the reason for the absence of such measures.

C. Mitigation/Compensation Measures

Describe all measures that will be incorporated into the project to mitigate or compensate for impacts to fish, wildlife, and plant resources. If no such measures have been identified for the project, indicate "not applicable" and explain the reason for the absence of such measures.

13. PERMITS

A - D. Local, State, and Federal Permits

List any local, state, and federal permits that are required for the project and check the applicable boxes (i.e., applied vs. issued). **Enclose a copy of each permit that has been issued.** You are responsible for obtaining all necessary permits and authorizations from the Department and other agencies before beginning any project described in the notification.

14. ENVIRONMENTAL REVIEW

A. CEQA, NEPA, CESA, and ESA Documents

Check the applicable boxes. If “yes” is checked, a copy of the CEQA, National Environmental Protection Act (“NEPA”), California Endangered Species Act (“CESA”), and/or federal Endangered Species Act (“ESA”) document **must** be enclosed with the notification. Also write in the type of CEQA, NEPA, CESA, or ESA document if applicable.

B. State Clearinghouse Number

If copies of the CEQA document have been submitted to the State Clearinghouse for distribution to state agencies, provide the number assigned to the document by the State Clearinghouse.

C - F. CEQA Lead Agency

Check the applicable box in box C. If “yes” is checked, complete boxes D, E, and F. If “no” is checked, skip to box G.

G. Entire Project

If the project described in the notification is part of a larger project, parts of which are subject to the notification requirement in Fish and Game Code section 1602, briefly describe the entire project. For example, if the project described in the notification is the construction of a bridge across a stream (that requires notification) and the bridge construction is part of a housing development (that except for the bridge construction does not require notification), the housing development should be briefly described in this box.

If the project described in the notification is not part of a larger project, write “not applicable” in this box.

H. Filing Fee

Check the applicable box. If “yes” is checked, proof that the filing fee has been paid **must** be enclosed with the notification. If “no” is checked, explain the reason the filing fee has not been paid. A filing fee may not have been paid, for example, because the lead agency has not completed or approved or certified the CEQA document at the time the notification is submitted or one of the exceptions to payment of the filing fee applies.

Note: *If a filing fee has not been paid, but the Department determines that the fee is required, the Department may not issue a final agreement until it receives proof that the fee has been paid. For more information on filing fees, refer to Part IV.*

15. SITE INSPECTION

In order to determine whether the notification is complete, an agreement is required, and/or to identify the measures that must be incorporated into the project to protect fish, wildlife, and plant resources, the Department may need to conduct an inspection of the project site.

Box 1. Generally, non-enforcement Department personnel may only enter private property with the consent of the property owner. Checking the first box will enable Department personnel to enter the property at a reasonable time in the future without having to contact the property owner in advance. Receiving such consent in advance will help reduce the amount of time for the Department to determine whether the notification is complete and/or an agreement is needed and/or to prepare a draft agreement. If the first box is checked, provide the Department with any access instructions.

Box 2. Check the second box and provide the name and telephone number of the person the Department needs to contact before entering the property if you cannot or do not want to give the Department consent to enter the property in advance. The box should also be checked if the property owner or the owner's representative needs to be present when Department personnel visit the property.

Note: As explained in Part III, if "Regular" is checked in box 8.C and the Department determines that a site inspection is necessary to determine if the notification is complete, determine whether an agreement will be required for the project, and/or prepare a draft agreement, the 30- and 60-day time periods specified in Fish and Game Code sections 1602 and 1603 will not apply if one of the following occurs:

- 1) You are unable to schedule a date for the inspection that will reasonably allow the Department to make its completeness or agreement determination or issue a draft agreement within the 30- and 60-day time periods specified in Fish and Game Code sections 1602 and 1603.
- 2) You or the owner of the property where the project will take place (if different from the applicant) refuses to allow Department personnel to enter the property. In that case, the Department may refuse to process the notification, in which case the 30- and 60-day time periods will no longer apply.

16. DIGITAL FORMAT

If any of the information included as part of the notification is available in digital format, submit the information via digital media (e.g., CD, DVD, etc.) with the notification.

Note: The notification form must be completed and submitted in paper format, even if the information is available in digital format.

17. SIGNATURE

If the applicant is a person, that person must sign the notification in order for it to be valid. If the applicant is a business, state or local governmental agency, or public utility, only a person who is an employee of the business, agency, or utility and authorized by it to sign the notification, may sign the notification in order for it to be valid. ***Under no circumstances should a consultant or other contact person or property owner who is not the applicant or, if the applicant is a business, agency, or utility, not an authorized employee of the applicant, sign the notification.*** If that occurs, the Department may return the notification to the applicant as invalid.

PART III: PROCESSING YOUR NOTIFICATION

After the Department receives a notification, whether through the submittal of a notification form or THP, it will determine whether or not it is complete.

If you notify the Department through the submittal of a notification form, the Department will determine the notification is complete if all of the following apply:

- 1) all required fields on the notification form are completed;
- 2) all required enclosures are submitted (including a biological and/or hydrological study, if required);
- 3) the notification was properly signed;
- 4) the information in the notification is true and correct; and
- 5) the correct notification fee is provided with the notification.

If the Department determines the notification is incomplete, the Department may return the notification and specify the information or materials that will need to be provided to the Department when the notification is resubmitted. **A notification is not effective unless it is complete.** Therefore, in order to avoid any potential delay, it is important that the Notification of Lake or Streambed Alteration form (Form FG 2023 Rev. 7/06) be filled out completely and accurately and submitted to the appropriate Department regional office with all required enclosures, and any other information that will assist the Department in evaluating the project, and the correct notification fee.

If you notify the Department through the submittal of a Timber Harvest Plan ("THP"), the Department will determine the notification is complete if all of the following apply:

- 1) the THP includes, at a minimum, the information listed in Fish and Game Code section 1611;
- 2) the information in the THP is true and correct;
- 3) the THP was properly signed;
- 4) the THP is accepted for filing by the California Department of Forestry and Fire Protection; and
- 5) the correct notification fee is provided with the notification or has been paid.

Whether you notify the Department through the submittal of a notification form or THP, the Department will have 30 days to make its completeness determination, **unless** you have checked "Long-term agreement" in box 4.B of the notification form or submitted a request for a long-term agreement with the THP. The 30-day time period to determine whether a notification is complete does not apply to notifications for long-term agreements (see Fish and Game Code section 1605(g)(5)), or when one of the following occurs:

- 1) the Department and applicant mutually agree to extend the 30-day time period.
- 2) the Department determines that an onsite inspection is required before it can make its completeness determination, but you are unable to schedule a date for the inspection that will reasonably allow the Department to make the determination within the 30-day time period.

- 3) the Department determines that an onsite inspection is required before it can make its completeness determination and you or the owner of the property where the project will take place (if different from the applicant) refuses to allow Department personnel to enter the property. In that case, the Department may refuse to process the notification, in which case the 30-day time period will no longer apply.

After the Department determines that the notification or THP is complete, it will assign it to staff that will evaluate the project and determine whether you will need an agreement.

An agreement will be required if the project could substantially adversely affect an existing fish, wildlife, or plant resource. If the Department determines that an agreement is required, it will submit a draft agreement to you for review within 60 days of receiving a complete notification or THP, ***unless*** you have requested a long-term agreement. The 60-day time period does not apply to notifications for long-term agreements (see Fish and Game Code section 1605(g)(5)), or when one of the following occurs:

- 1) the Department and applicant mutually agree to extend the 60-day time period.
- 2) the Department determines that an onsite inspection is required before it can determine whether an agreement will be required or issue a draft agreement, but you are unable to schedule a date for the inspection that will reasonably allow the Department to make its agreement determination or issue a draft agreement within the 60-day time period.
- 3) the Department determines that an onsite inspection is required before it can determine whether an agreement will be required or issue a draft agreement, and you or the owner of the property where the project will take place (if different from the applicant) refuses to allow Department personnel to enter the property. In that case, the Department may refuse to process the notification, in which case the 60-day time period will no longer apply.

Whether “Regular” or “Long-term” is checked, the Department has the discretion to determine the term of the agreement. Hence, if “Regular” is checked, the Department may decide a term of between one and five years. If “Long-term” is checked, the Department may decide either not to grant your request for a long-term agreement, but instead issue a regular agreement, or grant your request and decide some term greater than five years. If “Long-term” is checked and the Department decides not to grant your request for a long-term agreement, the Department will contact you, and thereafter process the notification as one for a regular agreement upon your written request.

If you request, and the Department grants, a long-term agreement, you will be required to comply with the requirements specified in Fish and Game Code section 1605(g), which includes filing a status report with the Department every four years.

The draft agreement will include measures the Department determines are necessary to protect fish, wildlife, and plant resources while conducting the project. After receiving the draft agreement, you will have 30 days to notify the Department whether the measures in the draft agreement are acceptable. If you agree with the measures included in the draft agreement, you or your authorized representative will need to sign the agreement and submit it to the Department. If you disagree with any measures in the draft agreement, you must notify the Department in writing and specify the measures that are not acceptable. Upon written request, the Department will meet with you within 14 days of receiving the request to resolve the disagreement. If you fail to respond, in writing, within 90 days of receiving the draft agreement, the Department may withdraw the agreement.

If you disagree with any measures in the draft agreement and you and the Department cannot resolve the disagreement informally, you may request an arbitration panel to resolve the disagreement. If you request arbitration, a panel of arbitrators will be established within 14 days of receiving the request. The panel will include three persons: your representative, a Department representative, and a third person mutually agreed upon by you and the Department who will serve as the panel's chair. If you and the Department cannot agree upon the third person within the 14-day period, a court will appoint the third person. The third person must have scientific expertise relevant to the fish, wildlife, and plant resources the project could affect and to the disputed measures in the draft agreement. ***Each party will be required to pay the expenses of their selected representative and pay one-half the expenses of the third person.***

The panel will issue a decision within 14 days after it is established. The decision must be based on the best scientific information reasonably available at the time of the arbitration, and will be issued in the form of a final agreement. The decision will be binding on you and the Department unless you or the Department successfully petitions a court to correct or vacate the decision.

The time periods described above may be extended at any time by mutual agreement.

Note: *The measures included in a draft agreement are not subject to arbitration if the notification is being submitted in response to an order by the court or an administrative agency that requires you to perform work subject to the notification requirement in Fish and Game Code section 1602.*

After the Department receives the signed draft agreement, it will make it final by signing it. However, the Department will not sign the agreement until it has received the correct notification fee, has complied with CEQA, and has received written proof that the filing fee (specified in Fish and Game Code section 711.4) has been paid, if a filing fee is required. After you receive the final agreement, the project described in the notification or THP and covered by the agreement may begin, provided you have obtained all necessary local, state, and federal permits or other authorizations.

Part IV: California Environmental Quality Act

The Department must comply with California Environmental Quality Act (“CEQA”) before it may issue a **final** agreement. Issuance of a final agreement occurs when the Department receives the signed **draft** agreement from you **and** the Department signs it. In many instances, the Department will receive the signed draft agreement from an applicant before the lead agency has fully complied with CEQA. In those instances, the Department must wait for the lead agency to fully comply with CEQA before it may sign the draft agreement, thereby making it final.

Under CEQA, the “lead agency” is the local or state governmental agency that has the principal responsibility for carrying out or approving the project. All other local or state agencies with discretionary approval authority are “responsible agencies.”

The lead agency must determine first whether the project is exempt from CEQA. If the project is not exempt, the lead agency must prepare an environmental document, which will be a negative declaration, a mitigated negative declaration, or an environmental impact report. A lead agency is entitled to recover all of its CEQA-related costs from you. If the Department acts as the lead agency for the project your draft agreement covers, it will instruct you to submit an initial deposit to cover its initial CEQA-related costs. The deposit and any further CEQA-related costs will be in addition to the notification fee.

If the Department is a responsible agency, you must submit with the notification form a copy of any document prepared by the lead agency pursuant to CEQA, if one already has been prepared. You must also identify the lead agency on the notification form (box 14.D).

Pursuant to Fish and Game Code section 711.4, you must pay a filing fee to the lead agency if the project is subject to CEQA, unless one of the exceptions specified in section 711.4(c)(2) or (3) or (d)(1) or (2) applies. If the CEQA lead agency prepares a negative declaration or mitigated negative declaration, the filing fee is \$1,250. If the CEQA lead agency prepares an environmental impact report, the filing fee is \$850. The filing fee is in addition to the notification fee.

For a detailed explanation of CEQA, please consult the statute itself (Public Resources Code section 21000, *et seq.*), the CEQA Guidelines (California Code of Regulations, title 14, section 15000 *et seq.*) that implement CEQA, and CEQA handbooks and guides.

Part V: Other Permits

Depending on the project being proposed, in addition to a Lake or Streambed Alteration Agreement, you might need to obtain a permit, agreement, or other authorization from one or more governmental agencies. You should first contact the planning departments of the city or county where the project will take place to determine whether any local permits are required for the project. The state and federal agencies listed below might also have permitting authority over the project. You should contact these agencies if you are not familiar with their permitting requirements.

STATE AGENCIES

Coastal Commission
Department of Conservation
Department of Forestry and Fire Protection
Department of Water Resources
Reclamation Board/District
Regional Water Quality Control Boards
State Lands Commission
State Water Resources Control Board

FEDERAL AGENCIES

National Marine Fisheries Service
U.S. Army Corp of Engineers
U.S. Fish and Wildlife Service
U.S. Forest Service